Case 3:08-cv-00965-BEN-L3

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YES MANUAL PROPERTY TO COURT Frees

Filed 05/27/2008 F

Page 1 of 35

FILED

MAY 2 7-2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

NAME TONY MABRY

PRISON NUMBER D-90450

CURRENT ADDRESS OR PLACE OF CONFINEMENT P.O. BOX 5004, Calipatria State Prison:

CITY, STATE, ZIP CODE Calipatria, CA. 92233

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

TONY MABRY

(FULL NAME OF PETITIONER)

PETITIONER

L.E. Scribner (Warden)

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

The Attorney General of the State of California, Additional Respondent.

'08 CV 0965 BEN LSP

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY
HILL v. ALASKA, 297 F.3d 895, 897

(9TH Cir. 2002):
First Challenge to term
computation & release date:

- 1. Name and location of the court that entered the judgment of conviction under attack: Riverside County Superior Court:
- 2. Date of judgment of conviction: 4-17-91
- 3. Trial court case number of the judgment of conviction being challenged: CR37941
- 4. Length of sentence: 42 yrs. 8-months:

OF THE SECTION OF STREET O

医基本性 医二种原则

5. 8	ъr	ojected release date 12-2-2018
٠ -	····	
		nse(s) for which you were convicted or pleaded guilty (all counts):
-	(PR	RINCIPAL-TERM/Count-4 246 PC) (Subordinate term/Cnt. 1/18
. -	PC)	(Count 2/12021) (667)
1	What	t was your plea? (CHECK ONE)
	(a)	Not guilty K
	(b)	Guilty
	(c)	Nolo contendere □
I	(a)	ı pleaded not guilty, what kind of trial did you have? (CHECK ONE) Jury
	•	you testify at the trial? es □ No
		DIRECT APPEAL You appeal from the judgment of conviction in the California Court of Appeal? es No
C	X Ye	you appeal from the judgment of conviction in the California Court of Appeal? In appealed in the California Court of Appeal, answer the following:
C	Ye f you (a)	vou appeal from the judgment of conviction in the California Court of Appeal? In No appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA
C	Ye Ye f you (a) (b)	vou appeal from the judgment of conviction in the California Court of Appeal? Les \(\sum \) No Les appealed in the California Court of Appeal, answer the following: Result: \(\frac{N/A}{A} \) HILL V. ALASKA Date of result (if known):
C	f you (a) (b) (c)	vou appeal from the judgment of conviction in the California Court of Appeal? Les \(\text{No} \) Les \(\text{No} \) Les \(\text{No} \) Les \(\text{No} \) Les \(\text{California Court of Appeal} \), answer the following: Result: \(\text{N/A HILL V. ALASKA} \) Date of result (if known): \(\text{Case number and citation (if known): } \) Case number and citation (if known): \(\text{E009598 4TH. Appell. Dist. } \)
C	f you (a) (b) (c)	vou appeal from the judgment of conviction in the California Court of Appeal? Les \(\sum \) No Les appealed in the California Court of Appeal, answer the following: Result: \(\frac{N/A}{A} \) HILL V. ALASKA Date of result (if known):
C	f you (a) (b) (c) (d)	vou appeal from the judgment of conviction in the California Court of Appeal? es \[\sum \text{No} \] a appealed in the California Court of Appeal, answer the following: Result: \[\text{N/A HILL V. ALASKA} \] Date of result (if known): \[\text{Case number and citation (if known): } \text{E009598 4TH. Appell. Dist.} \] Names of Judges participating in case (if known)
C	f you (a) (b) (c) (d)	vou appeal from the judgment of conviction in the California Court of Appeal? Les \(\text{No} \) Les \(\text{No} \) Les \(\text{No} \) Les \(\text{No} \) Les \(\text{California Court of Appeal} \), answer the following: Result: \(\text{N/A HILL V. ALASKA} \) Date of result (if known): \(\text{Case number and citation (if known): } \) Case number and citation (if known): \(\text{E009598 4TH. Appell. Dist. } \)
C	f you (a) (b) (c) (d)	vou appeal from the judgment of conviction in the California Court of Appeal? a appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA Date of result (if known): Case number and citation (if known): E009598 4TH. Appell. Dist. Names of Judges participating in case (if known) Grounds raised on direct appeal:
1. I	f you (a) (b) (c) (d) (e)	wou appeal from the judgment of conviction in the California Court of Appeal? In appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA Date of result (if known): Case number and citation (if known): E009598 4TH. Appell. Dist. Names of Judges participating in case (if known) Grounds raised on direct appeal: N/A It is sought further direct review of the decision on appeal by the California Suprement (e.g., a Petition for Review), please answer the following:
1. I	f you (a) (b) (c) (d) (e)	To appeal from the judgment of conviction in the California Court of Appeal? If appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA Date of result (if known): Case number and citation (if known): E009598 4TH. Appell. Dist. Names of Judges participating in case (if known) Grounds raised on direct appeal: N/A It sought further direct review of the decision on appeal by the California Suprement (e.g., a Petition for Review), please answer the following: Result:
1. I 2. I	f you (a) (b) (c) (d) (e) f you Cour (a) (b)	To appeal from the judgment of conviction in the California Court of Appeal? If appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA Date of result (if known): Case number and citation (if known): E009598 4TH. Appell. Dist. Names of Judges participating in case (if known) Grounds raised on direct appeal: N/A It sought further direct review of the decision on appeal by the California Suprement (e.g., a Petition for Review), please answer the following: Result: Date of result (if known):
1. I 2. I	f you (a) (b) (c) (d) (e) f you Cour (a) (b)	To appeal from the judgment of conviction in the California Court of Appeal? If appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA Date of result (if known): Case number and citation (if known): E009598 4TH. Appell. Dist. Names of Judges participating in case (if known) Grounds raised on direct appeal: N/A It sought further direct review of the decision on appeal by the California Suprement (e.g., a Petition for Review), please answer the following: Result:
11. I 12. I	f you (a) (b) (c) (d) (e) f you Cour (a) (b) (c)	To appeal from the judgment of conviction in the California Court of Appeal? If appealed in the California Court of Appeal, answer the following: Result: N/A HILL V. ALASKA Date of result (if known): Case number and citation (if known): E009598 4TH. Appell. Dist. Names of Judges participating in case (if known) Grounds raised on direct appeal: N/A It sought further direct review of the decision on appeal by the California Suprement (e.g., a Petition for Review), please answer the following: Result: Date of result (if known):

(a)	Result:
(b)	Date of result (if known):
	Case number and citation (if known):
(d)	Grounds raised:
	COLLATERAL REVIEW IN STATE COURT
prev Corp	r than a direct appeal from the judgment of conviction and sentence, have you outly filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas us) with respect to this judgment in the California Superior Court? By Some Superior Court?
i. If yo	ur answer to #14 was "Yes," give the following information:
	ur answer to #14 was "Yes," give the following information: <u>California Superior Court</u> Case Number (if known):
(a)	· · · · · · · · · · · · · · · · · · ·
(a) (b)	California Superior Court Case Number (if known):
(a) (b)	California Superior Court Case Number (if known): Nature of proceeding:
(a) (b) (c)	California Superior Court Case Number (if known): Nature of proceeding:
(a) (b) (c)	California Superior Court Case Number (if known): Nature of proceeding: Grounds raised: Did you receive an evidentiary hearing on your petition, application or motion? □ Yes □ No
(a) (b) (c)	California Superior Court Case Number (if known): Nature of proceeding: Grounds raised: Did you receive an evidentiary hearing on your petition, application or motion?

(a)	California Court of Appeal Case Number (if known):
(b)	Nature of proceeding:
(c)	Names of Judges participating in case (if known)
	, 1
(d)	Grounds raised:
	Did you receive an evidentiary hearing on your petition, application or motion? ☐ Yes ☐ No
(f)	Result:
(g)	Date of result (if known):
prev Corp	r than a direct appeal from the judgment of conviction and sentence, have you lously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas ous) with respect to this judgment in the California Supreme Court ? es \(\Boxed{\text{No}}\)
prev Corn Y Y	iously filed any petitions, applications, or motions (e.g., a Petition for Witt of Habeas ous) with respect to this judgment in the <u>California Supreme Court</u> ?
prev Corp Y . If yo (a)	iously filed any petitions, applications, or motions (e.g., a Petition for Witt of Plaseau ous) with respect to this judgment in the <u>California Supreme Court</u> ? es □ No our answer to #18 was "Yes," give the following information: <u>California Supreme Court</u> Case Number (if known):
prev Corp Y . If yo (a)	iously filed any petitions, applications, or motions (e.g., a Petition for Witt of Plaseaus) with respect to this judgment in the California Supreme Court? es No ur answer to #18 was "Yes," give the following information: California Supreme Court Case Number (if known): Nature of proceeding:
prev Corp Y . If yo (a) (b)	iously filed any petitions, applications, or motions (e.g., a Petition for Witt of Plaseaus) with respect to this judgment in the California Supreme Court? es No ur answer to #18 was "Yes," give the following information: California Supreme Court Case Number (if known): Nature of proceeding:
prev Corp Y . If yo (a) (b)	iously filed any petitions, applications, or motions (e.g., a Petition for Witt of Haddan ous) with respect to this judgment in the California Supreme Court? es No ur answer to #18 was "Yes," give the following information: California Supreme Court Case Number (if known): Nature of proceeding: Grounds raised:
prev Corp Y If yo (a) (b)	iously filed any petitions, applications, or motions (e.g., a Feliuon for Witt of Flatosas (bus) with respect to this judgment in the California Supreme Court? Bur answer to #18 was "Yes," give the following information: California Supreme Court Case Number (if known): Nature of proceeding: Grounds raised: Did you receive an evidentiary hearing on your petition, application or motion?

20. If you did <i>not</i> file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the <u>California Supreme Court</u> containing the grounds raised in this federal Petition, explain briefly why you did not:
Im challenging my first term computation under Hill v.
Alaska: release date/illegal commitment:
Transit Toronto de la commitación de la commitac
This is (NOT) A conviction issue:
COLLATERAL REVIEW IN FEDERAL COURT
21. Is this your first federal petition for writ of habeas corpus challenging this conviction? Yes No (IF "YES" SKIP TO #22) (a) If no, in what federal court was the prior action filed? U.S.D.C. Southern Dist (i) What was the prior case number? 08cv0467-JM-(AJB) (ii) Was the prior action (CHECK ONE): Denied on the merits? Dismissed for procedural reasons? (iii) Date of decision: (b) Were any of the issues in this current petition also raised in the prior federal petition? X Yes No (c) If the prior case was decided as the waste based on the prior federal petition?
(c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
Yes No

CAUTION:

- Exhaustion of State Court Remedies: In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present all other grounds to the California Supreme Court before raising them in your federal Petition.
- <u>Single Petition</u>: If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- Factual Specificity: You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is state who did exactly what to violate your federal constitutional rights at what time or place.

REMEDIES FOR:

(EXHAUSTION)

Due to the fact that on the face of the petition petitioner raises a first challenge to his (First-Term-Computation) & (Release-Date) under: HILL v. ALASKA:

The application for authorization to file a second or successive 28 U.S.C. 2254 habeas corpus petition in a district court is denied as unnecessary due to the extent petitioner raises a first challenge to the calculation of his release date, which is not a second or successive petition under 28 U.S.C. 2244(b)(3)(A).

SEE: HILL V. ALASKA, 297 F.3d 895, 897 (9TH. Cir. 2002)

Petitioners Responsive Burden:

Also petitioner is in the hopes that he is properly before this "Southern District Of California" in which a sentence is being executed, the district of confinement is the preferable forum. See $\underline{\text{Dunn v. Henman.}}$ 875 F.2d 244, 249 (9TH. cir 1989) (Stating, in 28 U.S.C. 2241 action, that the proper forum to challenge the execution of a sentence is the distrisct where the prisoner is confined.); $\underline{\text{Russo v. Newland}}$, 2000 WL 194892. *1 (N.D.CAL.); accord, In re Phelon, 2002 WL 31618536, *1 (N.D.CAL.); $\underline{\text{Thomas v. Hepburn}}$, 2001 WL 505916, *1 (N.D.CAL.); $\underline{\text{McKnight v. Forman}}$, 1997 WL 50267, *1 (N.D.CAL.).

Therefor, under Rule (9) of the rules governing 2254 petitioner "PRAYS" that he is properly before this court.

÷	<u>GROU</u>	NDS FO	<u>R RELIEF</u>

22. State concisely every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize briefly the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.	
(a) GROUND ONE: Were petitioners 5TH. Amendment Rights violated	1
when (CDCR) case analsyt subjected pet. to successive (in-	
error) "parole-date" computations ?	
Supporting FACTS: There were 5-amended (un-verified) (AOJ)	
" Abstract Of Judgment" hearings all with term computations result	<u>t</u> –
ing <u>in erroneous conflicting calculations.</u> Subjecting petitioners	
release-date to be computated by (CDCR) case analyst in error for	
17-years. Dept. of Corrections/LPU-Legal Processing Unit, used the	9
same in error legal-documentation for over 8-yrs. & present due to never attaining 5-different sets of (minute orders & sentencing transcripts) to determine an accurate parole date for petitioner	<u> </u>
after each hearing? Rendering the amended (abstracts) to be inval:	 i d
% "only" documents used to be conducive to petitioners confinement	
& (NOT) to the accuracy of his parole-date. Severly violating pet	_
U.S. Const. 5TH. Amendment Rights: *See appendix: A-1, 2, 3, 4 &	
app: B-1, 2, 3, 4- for invalid (AOJ'S) & documents providing	
scrutiny for un-verification-retired Judge (Macomber) during amend	- 1-
ment hearings - calendar day for (12-9-99/no hearings):See app: C	_
8+yrs worth of "LPU" notices of in error legal documents	-
5-8-14TH U.S.C.A.	
Did you raise GROUND ONE in the California Supreme Court?	-
☐ Yes ☐ No. N/A HILL V. ALASKA, 297 F.3d 895, 897 (9TH. Cir 200)	2)
If yes, answer the following: First Challenge To Term Computation & Release Date:	
Release Date: (1) Nature of proceeding (i.e., petition for review, habeas petition): N/A	_
(2) Case number or citation: N/A	
(3) Result (attach a copy of the court's opinion or order if available): N/A	

(b)	GROUND Two: Were petitioners U.S. Const. 8TH Amendment Rights
	violated when CDCR-case analyst discovered that they were
	computating petitioners (term/release date-in error) knowingly
S	upporting FACTS: Petitioners term should ave been terminated by
(10-13-95) being that (CDCR) case analyst had (NOT) been able to
(RECORD) a legitimate release date for petitioner during his
f	irst 5-years of detention. Instead (LPU) case analyst contin-
u	ed to accept (invalid-still in error) legal documentation 2
С	ausing petitioner to be subjected to cruel & unusual punishment
	ultiple times over
	U.S. Constitutional 8TH. Amendment
<u>1" s</u>	ee appendix: C-2To view Dept. of Corrections/LPU-10-13-95
n	otice of (NOT) getting legal documents in time to record
р	etitioners term? See app. C-5: To view 8-6-98/Legal Status
	Summary printout unveiling case records analyst being aware of rrors well after (10-13-95)2 See app.: B-4: For 12-13-95-
A	OJ-document, still in error after "LPU-notice" 3 See all of
	ppendix-C : To view a (recorded) time line of how long pet.
r	elease date been in error (knowingly) by the Dept. Of correct.
	1992-to-1999) See prison case file to see that current 2008
	egal Status Summary Printout still recognizing error in term
	- 5-8-14TH, U.S.C.A
Di	d you raise GROUND TWO in the California Supreme Court?
	Yes No.N/A HILL v. ALASKA, (9TH. Cir 2002) First challenge to
	If yes, answer the following: term computation & release date:
	(1) Nature of proceeding (i.e., petition for review, habeas petition):N/A
	(2) Case number or citation: N/A
,	(3) Result (attach a copy of the court's opinion or order if available):

(c) GROUND THREE: Was petitioner illegally committed into CDCR
& term computated in error by way of "NON-legally; invalid
"Abstract Of Judgment" documents ??? (FORGERIES) ????
Supporting FACTS: $(6-6-91/AOJ)$ documents have no red filing stam on either form that were used to commit petitioner into (CDCR)
(6-11-91). The form recording the indeterminate-sentence is
(NOT) an actual "1213.5 CR 292/document. This same invalid doment was used again (May 26, 1992) & CDCR excepted both May 2
1992/AOJ documents & re-computated petitioners term without
a minute order & sentencing transcripts, to verify the validi
of the 1992/AOJ'S."
Not one set of AOJ-documents that have ever been used to hold
pet. in CDCR, have (ALL) the red-filing stamps/written signat
ures/filing date stamp in upper right corner/stamp signature
of name, on the entirety of anyone of the AOJ'S being used by
CDCR, to hold petitioner in their custody. See app. A, B & D
¶See appendix D-1, 2, 3: For both invalid NON 1213.5 forms &
invalid/6-6-91/DSL 290 form: See app. $^{1''}$ B-1: For invalid 5-26-9
DSL 290-form, no red filing stamps, that accompanied the
invalid/NON 1213.5/5-26-92 form; (ALL) having conflicting
signatures & dates of signing witnessing parties.
$\underline{1}$ See prison case file/CDC112, to see term recomputated 7-21-92
by way of invalid (5-26-92) AOJ-documents
5-8-14TH. U.S.C.A.
Did you raise GROUND THREE in the California Supreme Court?
☐ Yes ☐ No. N/A HILL v. ALASKA (9TH Cir 2002): First challenge
If yes, answer the following. term computation & release date:
(1) Nature of proceeding (i.e., petition for review, habeas petition): N/A
(2) Case number or citation: N/A
(3) Result (attach a copy of the court's opinion or order if available):

(c) GROUND: Is this scheme unconstitutional when (CDCR)
violates their own term computation policy when
rearranging the terms recorded on the commitment documents
? ? ? ?
Supporting FACTS:

(CDCR) computated petitioners term in a manner that should (NOT) have proceeded his release-date beyond the original principal term of 7-yrs. 1

(CDCR'S) own realignment of pet. term/computation, after admitting to (NOT) being able to process pet. commitment documents on time, allows for (CDCR'S) continued computation of petitioners entire-terms in error, despite the in-admissibility due to "time-constraints":

- 1 See Appendix: "B-1" & "D-3": for petitioners $\frac{7}{7}$ yr. term...
- 2 See app: "C-2"...For CDCR'S admittance of not being able to record pet. commitment documents on time....
- 3 See app: "C-4 & 5"...To view CDCR'S realignment of petitioners term-computation....

Upon a prisoners commitment, (CDCR) case analyst must computate pet.

term by way of Abstract Of Judgment documents as well as sentencing

transcripts: 4 (Computating term by way of (OPINION S) is UN
CONSTITUTIONER): SEE PETITIONERS PRISON (ASE FILE

FOR 1992 1994 - OPINIONS - USED TO COMPUTATE PET. TERM....

(CDCR) must (NOT) change the term recorded on the Abstract of Judgment: 4
PER DOM (CDCR):

Did you raise GROUND THREE in the California Supreme Court?

- Yes No. N/A HILL V. ALASKA (9TH Cir 2002) First challenge
 To term-computation & release date:
 - (1) Nature of proceeding (i.e., petition for review, habeas petition):
 - (2) Case number or citation:
 - (3) Result (attach a copy of the court's opinion or order if available):

23.	Do yo	ou have any petition or appeal now pending in any court, either state or federal, pertain- the judgment under attack?
٠.		s \square No
	٠,	H/N
24.	If you	r answer to #23 is "Yes," give the following information:
	(a)	Name of Court:
	(b)	Case Number:
	(c)	Date action filed:
	(d)	Nature of proceeding:
	(e)	Name(s) of judges (if known):
	(f)	Grounds raised:
,		
<i>:</i>	(g)	Did you receive an evidentiary hearing on your petition, application or motion? ☐ Yes ☐ No
	•	
25.	Give	the name and address, if known, of each attorney who represented you in the following
•		s of the judgment attacked herein: At preliminary hearing:
	(a)	At preliminary hearing.
	(b)	At arraignment and plea:
	(-)	AAA::-1:
	(c)	At trial:
	(d)	At sentencing:
	(e)	On appeal:
	(f)	In any post-conviction proceeding:
•		a la
	(g)	On appeal from any adverse ruling in a post-conviction proceeding:

	indic □ Ye	you sentenced on more than one count of an ir tment, in the same court and at the same time? Solution	
27.	judgr □ Ye	ou have any future sentence to serve after you conent under attack?	
	(a)	If so, give name and location of court that imp	osed sentence to be served in the future:
	(b)	Give date and length of the future sentence:	NA
	(c)	Have you filed, or do you contemplate filing, imposed the sentence to be served in the futur Yes No	e?
28.	Cons	ent to Magistrate Judge Jurisdiction	NA
in t mag	his di gistrat sdictio	r to insure the just, speedy and inexpensive deterstrict, the parties may waive their right to proce judge jurisdiction. Upon consent of all the on, the magistrate judge will conduct all procee es are free to withhold consent without adverse	parties under 28 U.S.C. § 636(c) to such dings including the entry of final judgment.
rese	olution tters. a	ourt encourages parties to consent to a magistre of this matter. If you request that a district a magistrate judge will nevertheless hear and dec a recommendation to the district judge as to al	ide all non-dispositive matters and will hear
inc	You n luding	nay consent to have a magistrate judge conduct the entry of final judgment, by indicating you	any and all further proceedings in this case, consent below.
Ch	oose o	only one of the following:	
>	n Pl	aintiff consents to magistrate OR	Plaintiff requests that a district judge
		dge jurisdiction as set forth	be designated to decide dispositive
	ab	pove.	matters and trial in this case.
		·	·

29. Date you are mailing (or handing to a correctional officer) this Petition to this court:

MAY 18TH. 2008

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

5-18-08

(DATE)

SIGNATURE OF PETITIONER

(PRAYER FOR RELIEF)

- 1. Petitioner "PRAYS" that this Honorable-Court grant him relief from being illegally confined.
- Petitioner request that it be (notarized) that he's been illegally committed into & confined by the "Department Of Corrections-CDCR".
- 3. Petitioner "PRAYS" that this Honorable Court "specify" all civil-rights violations that were committed against him.
- 4. Petitioner "PRAYS" that this court "specifies" that CDCR has been calculating his term in error with unverified documents.

Respectfully Submitted:

- 13 -

VERIFICATION

STATE OF CALIFORNIA COUNTY OF IMPERIAL

	(C.C.P. SE	C.446 & 201.5;	28 U.S.C. SI	EC. 1746)	
I,	TONY MABI	ey	DECLAR	E UNDER PENALTY	OF PERJURY
THAT: I AM THE	PETITIONE		IN THE ABOVE	ENTITLED ACTION	[;
TRUE OF MY OWN	FOREGOING DOCUM KNOWLEDGE, EXCE D THOSE MATTERS, 1	EPT AS TO MATTE	RS STATED THE		
				•	
	/8 <i>TH</i> . CALIPATRIA, CALIFO			20 <i>08</i> AT	CALIPATRIA
	:				· ·
		(SIGNATURE	n Sons M	Pakin D-90458 (DECLARANTIPRISC	, Ass
t .				(DECLARANTIPRISO	ONER)
	PROC	F OF SE	RVICE B	Y MAIL	
	(C.C.P. SEC.	1013 (a) & 20	15.5; 28 U.S.C	C. SEC.1746)	
I, Tou	Y MABRY	AM A RESIDE	NT OF CALIPATE	LIA STATE PRISON,	IN THE COUNTY
OF IMPERIAL, STATA A PARTY OF THE A	TE OF CALIFORNIA. ABOVE-ENTITLED AC FORNIA #92233-5002	I AM OVER THE A	GE OF EIGHTEE	N (18) YEARS OF AC	GE AND(AM) NOT
	-				
ON	<u> 3-18 . </u>	2008 I SERV	ED THE FOREG	OING: <u>PETITION</u>	J FOR
WRIT of H	ABEAS CURPI	JS - 33-PA	AGES + PROOF	of SCRVICE +	NOTE TO CLERK
•					
·	(SET FORTH	EXACT TITLE (OF DOCUMENT	rs served)	
WITH POSTAGE TH	HEREIN BY PLACING IEREON FULLY PAID TATE PRISON, CALIP	, IN THE UNITED	STATES MAIL, IN	NA DEPOSIT BOX SO	
TO EL	DWARD J S		•		
<i>\\</i> S	DC SOUTHERN	DISTRICT OF	FCALIF.		
	M 4290			and the second	
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SA	NDIEGO CA	A 92101-890	2 5		
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					•
REGULAR COMMU	Y SERVICE BY UNIT NICATION BY MAIL RE UNDER PENALTY	BETWEEN THE PI	ACE OF MAILIN	IG AND THE PLACE	SO ADDRESSED.
DATE: 5-/	18-2008		+ Ton VI	Voxen	
		 ,	Turky 11	DECLAPANTIPRISON	VER)

(A P P E N D I X - A)
A: 1 thru 4

SUPERICA COURT OF CALIFORNIA, COUNTY OF RIVERSIDE 4100 Main St.
Riverside, CA 92501

People of the State of California Vs.
TONY MABRY

Case No. CR37941

MINUTE ORDER

Motion Set For CORRECTION OF ABSTRACT

Date: .12/09/99 Time: 8:30 am Dept/Div: 51

Honorable J. THOMPSON HANKS Presiding.

Clerk: S RUIZ

Court Reporter: B LANE

People Represented By J.RUIZ, DDA.

Defendant Represented By CDP-J. AQUILINA.

Defendant is Not Present.

At 8:50, the following proceedings were held:

Motion By Dept of Corrections Regarding Correction of Abstract

is called for hearing.

Upon review of minute order of sentencing and

abstract

Counsel Stipulate: Minute order is correct. Counsel Stipulate: Abstract in incorrect.

Counsel Stipulate: Count 1 on abstract should read 25 years to

life

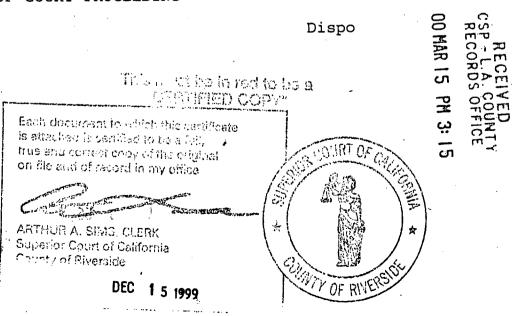
Motion Granted.

The Court orders Abstract corrected.

Defendant No Longer in custody for the reason: In custody of

Calif. Dept of Corrections.

MINUTE ORDER OF COURT PROCEEDING



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his fo	orm is	prescribed	under Pen	al Code §	1213:5 to satisfy the req	ulroments	of \$ 1213 for Indete	erm (pate	_	nces. Altachm	ents ma			referred to i	n this do	cument.
udicia	pproved Counci	by the if of Californi	a			IUDGM	(IVE	V COM			NDET	ERMINAT	E			Pen. C. § 1213.

class notes

1963

the hell that happened!" we have seven grandchildren. I know how still practicing. How the hell did this happen Gene Elliot Goldman: "I am old, fat and l am still married to the beautiful Bobbie, and

Rancho Mirage City Council. Still a 13 G. Dana Hobart: "Still a member of the handicap."

Ralph Horowitz: "There is no plethora of System of Nevada, voted unanimously by the minutes after they happen." interesting facts that I can remember 15 the University and Community College Jim Rogers (LLM) is the new chancellor of

state board of regents in May

spare time visiting their three children and the Riverside firm of Best, Best & Krieger, LLP. mates!" he writes. "We send our best wishes to former classfour grandchildren throughout California. Don and wife, Cathy, spend much of their Calif., is semi-retired and is of counsel with Donald Frederick Zimmer, of Riverside,

site at: www.thechurchcounsel.com." still counseling churches and other nonprofit employee benefits, etc., etc. However, I am no office expenses, no salaries, no fringe William Perry Bennett: "I am 'semi-retired' religious/charitable organizations. See Web

Riverside Superior Court but have worked is spent completing honey-do lists and enjoyon assignment in various courts about six Robert D. Macomber: "I retired in 1994 months each year since. The rest of my time from 20 years' service on the bench at the ing our grandchildren."

In 2001, Kenny founded a nonprofit bicycle Championship Road Race in Park City, Utah ond in the 2004 U.S. National Masters Still bicycle racing at age 65, he finished secpart of a national network of bicycle lawyers trates on representing injured bicyclists. He is great grandchild. His law practice concenfour children, two grandchildren and one for the past 20 years. He is married and has personal injury law in Decatur, Ga., his home Kenneth A. "Kenny" Rosskopf practices recycling/transportation program, Decatur Yallow Rikes Inc. www.duhikes.org which

> assigned to the Complex Litigation Program. judge of the Los Angeles Superior Court. He is Wendell Mortimer Jr. continues to serve as a

now and another to attend in three years. 25 and pilot at 64. I have a son going to USC John David Stoller; "CPA at 20, attorney at Any other pilots in our class?"

even more than practicing law. Currently seven murder cases and three attempt-murder less and the needy at the Adams Harbor Food Lawrence R. Young: "Still feeding the home exotic places like Cambodia; they add to life." firm. Occasionally I go sailing. I take trips to cases are keeping me busy in my large law Kitchen since I helped found it in 1991 ---

He serves as an expert witness throughout the the American Bar Association, and the years and is an author and lecturer on profes-Phillip Feldman has been an attorney for 38 Attorneys in legal and medical malpractice American Board of Professional Liability He is board certified by the state of California sional liability and professional responsibility.



riminal Calendar



Home

	Calendar Date											
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Department: 51



Only Show Hearings That Have Not Been Dispositioned

Show All Hearings

Close Sort Options

Choose Up to Three Sort Criteria

(1) Defendant Name Ascending

(2) Time (3) Time **Ascending**

Ascending

Display Calendar

Open Results in the Actions

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Time Case Number Defendant Name Description Charges

No Matches

There are no cases scheduled for 12/09/1999 in department 51.

(AP P E N D I X - B)

Appendix B: 1 thru 4

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B. For LIFE WITH POSSIBLE IN E. For other term prescribed by PLUS enhancement time show	law on counts	/		ears to life, WITH I		Y OF PAROLE		neet if necessary.)
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(A P P E N D I X - C)

Appendix C: 1 thru 5

DEPARTMENT OF CORRECTIONS

Legal Processing Unit P.O. Box 942883 Sacramento, CA 94283-0001 (916) 323-7407



April 30, 1992

Honorable Robert D. Macomber Judge of the Superior Court County of Riverside 4100 Main Street Riverside, CA 92501

Re: MABRY, Tony CDC No.: D-90450 Case No.: CR37941

Date of Sentence: May 24, 1991

Dear Judge Macomber:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Determinate Abstract of Judgment reflects Count 4, PC246 Shoot at Vehicle, with an upper term of seven(7) years, plus an enhancement of five(5) years pursuant to PC12022.5(a) Use of Firearm.

It is our understanding PC12022.5(a) would be an element of the offence for PC246, discribed in the Penal Code as, <u>Discharge of Firearm</u> at inhabited dwelling, vehicle, or aircraft. Therefore, it appears this enhancement should be stayed or stricken.

Please review your file to determine if a correction is required. We would appreciate your providing a certified copy of any Minute Order or modified Abstract of Judgment to this Department. May we also request the attached copy of this letter be returned with your response.

Sincerely,

SHERYL MILLER

Correctional Case Records Manager

By: PEGGY FRANCISCO

Correctional Case Records Specialist

Attachments

cc: District Attorney

Defense Counsel

Inmate C-File

App: C-1

SM:PF:jh

STATE OF CALIFORNIA-YOUTH AND ADULT CORRECTIONAL AGENCY

DEPARTMENT OF CORRECTIONS Legal Processing Unit P.O. Box 942883 Sacramento, CA 94283-0001 (916) 323-7402

July 21, 1995

Honorable Robert D. Macomber Judge of the Superior Court County of Riverside 4100 Main Street, Room 110 Riverside, CA 92501

Re.: MABRY, Tony CDC No.: D90450

Court Case No.: CR37941

March 19, 1993 Date of Sentence:

Dear Judge Macomber:

A review of the documents received for the above-named inmate indicates the Abstract of Judgment/Minute Order may be in error, or incomplete for the following reasons:

The Abstract of Judgment reflects Count 4 enhancement PC 12022.5 Use of a Firearm with the offense on Count 4 PC 246 Shoot at Dwelling which is the element of the offense.

In addition, the Abstract of Judgment also reflects on item number 6, Other Order, "DEFENDANT SENTENCED TO STATE PRISON FOR TOTAL INDETERMINATE SENTENCE OF 37 YEARS TO LIFE." However, Count 1 has a total term of 35 years and Count 4 has a total term of 7 years which equal 42 years to Life not counting the enhancement on Count 4 PC 12022.5 which is the element of the offense. Please clarify.

We request an expeditious review of your file. If a correction is required, please provide a certified copy of the Minute Order or modified Abstract of Judgment to this Department so that our records will accurately reflect the order of the Court. also request the attached copy of this letter be returned with your response.

Sincerely,

DELORIS PASCHAL

Correctional Case Records Manager

JOHNNY R. GALVAN

Correctional Case Records Specialist

Attachments

iled 05/27/2008

REQUEST

We have not received an answer to our first letter, In order to process the legal documents on Subject's commitment in a timely manner, we would appreciate a response by the Court as early as possible. Thank you.

10/13/95 Date

Corn Case Récords Specialist

DEPARTMENT OF CORRECT S
Legal Processing Unit
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 327-6873

November 12, 1999

The Honorable Robert D. Macomber Judge of the Superior Court, Dept. 62 County of Riverside 4100 Main Street Riverside, CA 92501

Re: MABRY, Tony CDC No.: D90450 Case No.: CR37941

Date of ReSentence: March 19, 1993

Dear Judge Macomber:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Resentence Abstract reflects Count 1, PC 187, Murder 1st with a term of 15 years to Life imposed; however, the term for this offense is 25 years to Life. It is noted, that Count 1 was originally sentenced to 25 years to Life. Please clarify.

Please review your file to determine if a correction is required. When notified by the Department of Corrections that an illegal sentence exists, the trial court is entitled to reconsider all sentencing choices, <u>People v. Hill</u> 185 Cal.App.3d 831. We would appreciate you providing a certified copy of any Minute Order or modified Abstract of Judgment to this Department. May we also request the attached copy of this letter be returned with your response. If this case is under appellate review, please forward a copy of this letter to the appellate attorney.

Sincerely,

KATHY MOORE

Correctional Case Records Manager

By: ELISABETH R. RAY

Correctional Case Records Analyst

cc: District Attorney

Criminal Defense Panel

Inmate C-File

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APP: C - 4

ISCREPANCY AND WARNING ERRORS

08-06-1998

D90450 MABRY, TONY

ASE=CR37941A ID=C CNT=004 TIME IMPOSED NE 1/3 MIDDLE TERM FOR 1/3 CS OFFENSE ASE= ID= END DATE FOR CREDIT CODE 1 IS 04/Z6/2001. ASE=CR37941A ID=C 1170.1(A) NOT APPLIED OR APPLIED INAPPROPRIATELY

Further notation on (CDCR'S)
realigned computation of
petitioners term...
(Appendix: "C 4 & 5")

On (page C-4):

Realigning the <u>original</u> 7yr. (principal) into 25yr. (subordinate) term.... (25 + 7 = 32)

On (page C-5):

Realigning Cnt.-4 prin. 7yrs. into A <u>sub.</u> 1/3 term of 5yrs.

(A P P E N D I X - D)

Appendix D: 1 thru 3

appendix D: 1,2,3

DGED AND DECREED that the said defendant be punished by imprisonment in a for the term provided by law, and that he be remanded to the Sheriff of the County do by him delivered to the Director of Corrections of the State of California at
for the term provided by law, and that he be remanded to the Sheriff of the County d by him delivered to the Director of Corrections of the State of California at
in respect to one another as follows (concurrently or consecutively as to each count): Life, Counts 2 & 4 to run Consecutive to Count ars and 8 Months. (See DSL290 as to Cts 2 & 4) sentence(s) as follows (concurrently or consecutively as to all incomplete sentences RSIDE and to the Director of Corrections at the R MEN, CHINO, CALIFORNIA is to command you, the said Sheriff, to deliver the above-named defendant into the
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R MEN, CHINO, CALIFORNIA is to command you, the said Sheriff, to deliver the above-named defendant into the
is to command you, the said Sheriff, to deliver the above-named defendant into the
ness my hand and seal of said court 6th day of June, 1991
ARTHUR SIMS Clerk, MARTINEZ Deputy
of California, Deputy
ry ofRIVERSIDE \ ss.
I do hereby certify the foregoing to be a true and correct abstract of judgment duly
made and entered on the minutes of the Superior Court in the above entitled action as
provided by Penal Code Section 1213.
Attest my hand and seal of the said Superior Court this 6±h day of June,
ARTHUR SIMS BY: N. MARTINEZ, DEI County Cierk and Ex-Officio Clerk of the Superior Court of Cyclornia in and for the County of RIVERSIDE
The Honorable ROBERT D. MACOMBER
Judge of the Superior Court of the State of California, in and for the County of
RIVERSIDE

Case 3:08-cv-00965-BE (2) Defendant Was not adjudged a (was or was not)	N-LSP Document 1 Filed 05/27/2008 Page 33 of 35 a habitual criminal within the meaning of Subdivision of Section 644 of the Penal.
Code; and the defendant is not (is or is)	a habitual criminal in accordance with Subdivision (c) of that Section.
the State Prison of the State of Cal ofRIVERSIDE	ADJUDGED AND DECREED that the said defendant be punished by imprisonment in ifornia for the term provided by law, and that he be remanded to the Sheriff of the County and by him delivered to the Director of Corrections of the State of California at
	served in respect to one another as follows (concurrently or consecutively as to each count):
	25 years to LIFE. Counts 2 & 4 ordered served consecutive
to Count 1: TOTAL FIX	ED TERM 37 YEARS 8 MONTHS TO LIFE. (See DSL 290 amended
5-26-92))
and in respect to any prior incomp from other jurisdictions): Not Applicable	pleted sentence(s) as follows (concurrently or consecutively as to all incomplete sentences
(4) To the Sheriff of the County of	Riverside and to the Director of Corrections at the
California Institution	for Men at Chino, California
custody of the Director of Correct California, at your earliest conven	
	ARTHUR A. SIMS, Executive Officer and Clerk,
	S. DeHaro, Deputy
	State of California,
	County of RIVERSIDE ss.
SEAL	I do hereby certify the foregoing to be a true and correct abstract of judgment duly made and entered on the minutes of the Superior Court in the above entitled action as provided by Penal Code Section 1213.
	Attest my hand and seal of the said Superior Court this 6th day of June, 1991. ARTHUR A. SIMS, Executive Officer/Clerk by
·	County Clerk and Ex-Officio Clerk of the Superior Court of California in and for the County of
	Riverside
	The Honorable ROBERT D. MACOMBER
	Judge of the Superior Court of the State of California, in and for the County of
	Riverside
: D - 2	NOTE: If probation was granted in any sentence c which abstract of judgment is certified, attach a minute order reciting the fact and imposing sen correcting a suspended sentence into effect.

Case 3:08-cv-00	965-BEN-LSP	Docum	ent 1	Filed 05	5/27/200	8 Page	34 of 35
SUPERIOR COURT OF		RACT OF JUDI	GMENT - PRI	SON COM	MITMENT		FORM DSL 2
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COMMITMENT TO STATE ABSTRACT OF JUDGMENT	PRISON	AMENDED ABSTRACT			- C		
DATE OF HEARING (MO) (DAY) (YR)	DEPT. NO	JUDGE		·	CLERK	·	£
05 24 91 REPORTER	O7	ROBERT D	. MACOMBE	R FOR DEFENDANT	R. ABIL		غ قه چر <u>ر في کې ا</u>
G. BREWER	JOHN RU	IZ		AQUIL	NA (CDP		PROBATION OFFICER
DEFENDANT WAS CONVICTED OF THE ADDITIONAL COUNTS ARE LIST.	HE COMMISSION OF THE FOLLOWING FE	LONIES (OR ALTERNATE FE	LONY/MISDEMEANORS):			SENTENCE RELATIO	
TOTAL GOOD TO ARE LIST	EU UN ATTACHMENT	(NUMBER OF PAGES	DAT		DNVICTED BY S	SENTENCE RELATIO	PRINCIPAL OR CONSECUTIVE
2 PC 12021	MUMBER	CRIME	AND DA	Y YEAR 喜喜	THING THE PARTY OF	TO CONCION DE LA	TIME IMPOSED
W PC 246	Felon Shoot	w/gun at: Vahirolle	90 04 1 90 04 T	7 91	X U	X X	8
ENHANCEMENTS charged and found to For each count list enhancements hort Add up time for enhancements on each	rus TIED TO SPECIFIC COUNTS (mainly I zontally. Enter time imposed for each or " I line and enter line total in right-hand col	n the § 12022-series) including	NO WEAPONS, INJURY, LA	RGE AMOUNTS OF	CONTROLLED SUBSTA	NCES, BAIL STATUS, FTC	_
Count Enhancement		umn.		harped but not foun	d trus or stricksn under	§ 1385.	
1 12022.5	S. S	Yrs or 'S' En	hancement Yre or	Enhance	ment Yrs or 'S	Enhancement	- Vrs br S Total
4 12022:5	(A) 05		100		en ex		
3 FMHANCEMENTS	·					2	
 EMHANCEMENTS charged and found tru List all enhancements based on prior co times). Enter time imposed for each or * other enhancement not provided for in a 	JE FOR PRIOR CONVICTIONS OR PRIOR Invictions or prior prison terms charged a S" for stayed or stricken, DO NOT LIST ar	PRISON TERMS (mainly § 66 nd found true. If 2 or more un	57-series) and OTHER, nder the same section, rep	eat it for each enhan	cement (e.e., if 2 non-	edent orter artem terms	
times). Enter time Imposed for each proof other enhancement not provided for in s			·	ler § 1385. Add time	for these enhancemen	ts and enter total in right has	id column. Also enter here any
667	5	Yra Gr 'S' Enh	ancement Yrs or *2	Enhancerr	sent Yrs or '8'	Enhancement	Yrs or 'S' Total
Enhancement	Yrs or "S" Enhancement	Yra or 'S' Enha	encement Yrs or *S	Enhancem	ent Yrs or 'S'	Enhancement	Yrs or "S" Total
4. INCOMPLETED SENTENCE(S) CONSECU	TIVE:			<u> </u>			
COUNTY	CASENUMBER	CREDIT FOR TIME SERVED	Stricker	As to	Enhance	ement 1 is minate Abs	s Stayed no
"Altagric &	19 . 7		to Coun	t 1 **2	5 Years	to Life**	itract as
6. TOTAL TIME IMPOSED ON ALL ATTACH	MENT, PAGES (FORM DSL 290-A):			heets of pisin paper			
7. TIME STAYED TO COMPLY WITH 5-YEAR 8. TOTAL TERM IMPOSED:	YEAR CIMIT ON SUBORDINATE	TERMS, DOUBLE-BASED-TER	RM LIMIT, ETC. (Do not inc	luda § 654 stays or	discretionary stays of t	erm for enhancements.)	
9. EXECUTION OF SENTENCE IMPOSED: A. A. INITIAL SENTENCING HEARING	AT RESENTENCING PURSUANT T	•		. 4	<u> </u>		178
10. DATE OF SENTENCE PRONOLINGED	DECISION ON APPEAL	PROBATION	OCATION OF D.	AT RESENTENCIA OF COMMITMENT	IG PURSUANT TO REC (PC § 1170(d)	ALL E. OTHER	
(MO) (DAY) (YR) 0.5 2.4 9.1 11. DEFENDANT IS REMANDED TO THE CUST	TIME COCART		ACTUAL LOCAL TIME 240	LOCAL CO CREDITS	NOUCT	STATE INSTITUTIONS	
K.K.	INTO THE CUSTODY OF	CALIF. INSTITUTE	ION FOR COLUM	. MEDICAL	120	DMH DMH	Сос
AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS		WOMEN - FRONT	TERA FACIL	ITY - VACAVILLE	CALIF. II	N-CHINO	DEUEL VOC. INST.
	CENTER LOCATED AT:	OTHER (SPECIFY)		DENTING TO SERVICE			· .
I heraby godife the feet		CLERK (F THE COURT	· . · · · · · · · · · · · · · · · · · ·			
I hereby certify the foregoing to be	a correct abstract of the judgm	ent made in this action	п.				
	artires		DATE	06/01			
This form is prescribed under Penal Gode § 121	3.5 to satisfy the requirement of § 1213	tor determinate sentences. A	ttachments may be used b	06/91 ut must be referred t	o in this document.	· · · · · · · · · · · · · · · · · · ·	
Form Adapted by the Judicial Council of California Effective April 1, 1990	ABS	RACT OF JUDGME	NT – PRISON COI M DSL 290	MMITMENT		:	
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The JS-44 civil cover sheet and the information contained herein neither exprace nor supply

service of pleadings or other papers as required by law. each as with by local

(Rev. 07/89)

CIVIL COVER SHEET

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(b) COUNTY OF RESIDENCE	E OF FIRST LISTED Imp		COlux	OF DESIDENCE	OF FIRS	T LISTED DEFENDANT	DEP
PLAINTIFF (EXCEPT IN U.S	S. PLAINTIFF CASES)	COPIE	OZN	US. PLAIN	HFF CA	SES UNLY)	
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(c) ATTORNEYS (FIRM NA	ME, ADDRESS, AND TELEP	HONE NUMBER)	ATTOR	NEYS (IF KNOWN)	1		
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II. BASIS OF JURISDICTIO	ON (PLACE AN x IN ONE BO	X ONLY)	III. Cr	ZENSHIP OF PRI	NCIPAL	PARTIES (PLACE AN X	IN ONE BOX
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□ 1U.S. Government Plaintiff	□ 3 Federal Question		Citizen	of This State	PT	Incompanied on De	
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CONTRACT	PERSONAL INJURY	ORTS PERSONAL INJU	'DV	FORFEITURE/PE	ALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	L		, Ki	610 Agriculture		422 Appeal 28 USC 158	400 State Reappointment
Marine Miller Act	310 Airplane	362 Personal Injury- Medical Malpractice		620 Other Food & Dru	-	PROPERTY RIGHTS	
Negotiable Instrument	☐ 315 Airplane Product Liability ☐ 320 Assault, Libet & Slander	365 Personal Injury		625 Drug Related Seiz of Property 21 USC88		820 Copyrights	450 Commerce/ICC Rates/etc.
150 Recovery of Overpayment	330 Federal Employers'	Product Liability		630 Liquor Laws		830 Patent	460 Deportation
&Enforcement of Judgment	Liability	368 Asbestos Personal I	niurv	640 RR & Truck		840 Trademark	470 Racketeer Influenced and
☐ 151 Medicare Act	340 Marine	Product Liability	-94-7	650 Airline Regs		SOCIAL SECURITY	Corrupt Organizations
☐ 152 Recovery of Defaulted Student	t 345 Marine Product	PERSONAL PROP	ERTY	660 Occupational Safe	ty/Health	R61 HIA (13958)	R10 Selective Service
Loans (Excl. Veterans)	Liability	370 Other Fraud		G90 Other		862 Black Lung (923)	850 Securities/Commodities
153Recovery of Overpayment	350 Motor Vehicle	371 Truth in Lending		LABOR		863 DIWC/DIWW (405(g))	Exchange
of Veterans Benefits	355 Motor Vehicle Product	380 Other Personal		710Fair Labor Standar		R64 SSID Title XVI	875 Customer Challenge 12 USC
160 Stockholders Suits	Liability	Property Damage		720 Labor/Mgmt. Relation	3	□ 865 RSL(405(g))	891 Agricultural Acts
Other Contract	360 Other Personal Injury	385 Property Damage		730 Labor/Mgmt. Repo	orting &	FEDERAL TAX SUITS	892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	Product Liability PRISONER PETIT	PAGE			R70 Taxes (U.S. Plaintiff or Defendant)	893 Environmental Matters
				740 Railway Labor Ac		L	894 Energy Allocation Act
☐ 210 Land Condemnation☐ 220 Foreclosure	441 Voting	→ 510 Motions to Vacate Habeas Corpus	Sentence	790 Other Labor Litiga	tion	26 USC 7609	895 Freedom of Information Act
230 Rent Lease & Electmant	442 Employment 443 Housing/Accommodations	⊠ 530 General		791 Empl. Ret. Inc.			900 Appeal of Fee Determination Under Equal Access to Justice
240 Tort to Land	443 Housing/Accommodations 444 Welfare	535 Death Penalty		Society Act			950 Constitutionality of State
245 Tort Product Liability	440 Other Civil Rights	540 Mandamus & Other	r				890 Other Statutory Actions
290 All Other Real Property		550 Civil Rights	_	<u> </u>			
VI. ORIGIN (PLACE AN X I	IN ONE BOX ONLY)						
⊠ 1 Original Proceeding □21	_	* *	teinstated	5 Transferred fr		6 Multidistrict Litigation	☐7 Appeal to District Judge from Magistrate Judgment
VII. REQUESTED IN COMPLAINT:	☐ CHECK IF THIS IS A	CLASS	•	EMAND \$	•′		only if demanded in complaint:
VIII DELATED CACE/C\ IE	ACTION UNDER f.r.c.p.	UDGE				Docket Num	
VIII. RELATED CASE(S) IF	AN I (See Instructions): J	UDGE				DOCKET NUMBER	

SIGNATURE OF ATTORNEY OF RECORD